

PATENT
7960M

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Barbara E. Mann

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TC 1700

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Jiping WANG et al : Paper No.:
Serial No.: 09/784,489 : Group Art Unit: 1751
Filing Date: February 15, 2001 : Examiner: C. Boyer

For: **Method for the Application of Durable Press Finishes to Textile Components Via the Use of Hydrophobic Bleaching Preparation**

BOX AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith is a Request for Reconsideration in the above identified application.

- ☐ No additional fee is required.
☒ Also attached: One Month Extension of Time; Notice of Appeal

The fee has been calculated as shown below:

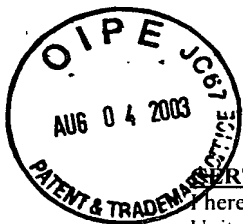
	NO. OF CLAIMS	HIGHEST PREVIOUS PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	25	25	0	x \$18.00	--
Independent Claims	1	3	0	x \$84.00	--
One Month Extension of Time					\$110.00
Notice of Appeal					\$320.00
TOTAL FEE DUE					\$430.00

- [X] Please charge our Visa credit card \$430.00. Form PTO-2038 is enclosed.
[X] The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment, to Deposit Account No. 04-1133, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

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Karen E. Morris

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#8
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Serial No.: 09/784,489 : Group Art Unit: 1751
Filing Date: February 15, 2001 : Examiner: C. Boyer
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REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Official Action dated March 31, 2003, Applicants request reconsideration of the patentability of claims 1-25 in view of the following remarks.

REMARKS

The Official Action dated March 31, 2003 has been carefully considered. Accordingly, it is believed that the following remarks are sufficient to demonstrate the patentability of claims 1-25 and place the present application in condition for allowance. Reconsideration is respectfully requested.

Claims 1 and 4-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Willey et al published PCT application WO 94/28106 in view of the Payet U.S. Patent No. 5,885,303. The Examiner asserted that Willey et al teach laundry detergent compositions

containing bleaching systems with bleach activators, an example of which comprises 15% sodium percarbonate and 5% nonanoyl caprolactam with benzoxazin activator. The Examiner asserted that Payet teaches a process for imparting durable press to fabrics using formaldehyde, a catalyst and a silicone elastomer. The Examiner concluded that it would have been obvious to both bleach and provide durable press to a fabric using the bleaching and durable press systems of the cited references.

Claims 1-3, 5-21 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Willey et al in view of the Wright, III U.S. Patent No. 3,639,096. The Examiner again relied on Willey et al as teaching laundry detergent compositions containing bleaching systems with bleach activators, and the Examiner relied on Wright as teaching a process for imparting wrinkle resistance to fabrics by contacting a fabric with dimethylol-4,5-dihydroxyethylene urea. The Examiner asserted that it would have been obvious to use the bleaching and durable press systems of the cited references in combination.

In reply to the arguments set forth in Applicants' previous Amendment, the Examiner asserted that one skilled in the art would not make a distinction between stain removal from finished or nonfinished textiles.

However, Applicants submit that the methods and products defined by claims 1-25 are nonobvious over and patentably distinguishable from the combination of Willey et al and Payet and from the combination of Willey et al and Wright. Accordingly, these rejections are traversed and reconsideration is respectfully requested.

More particularly, as defined by claim 1, the invention is directed to methods for treatment of a non-finished textile component. The methods comprise the steps of providing a non-finished textile component, saturating the textile component with an aqueous hydrophobic bleaching solution, and allowing the bleaching solution to remain in contact with the textile component for a period of time sufficient to bleach the textile component.

The aqueous hydrophobic bleaching solution comprises hydrogen peroxide and a hydrophobic bleach activator or hydrophobic peracid. The method further comprises following the bleaching step by finishing the textile component to provide durable press to the textile component.

As set forth in the specification, for example at page 17, beginning at line 29, a non-finished textile component is a material that has not been dyed, printed or otherwise provided a finishing step such as durable press coatings. As further set forth in the specification, one of ordinary skill in the art will recognize therefore that the non-treated textile component recited in claim 1 has not been passed through a garment or other manufacturing process involving cutting and sewing of fabric material. As also set forth in the specification, for example beginning at page 1, line 22, bleaching of such non-finished textile components is desirable in order to destroy naturally occurring color bodies. This bleaching provides a uniform white appearance for consumer-acceptable whites and/or a uniform color base for subsequent dying or printing of the components.

While conventional bleaching and durable press treatments often cause textile components to exhibit significantly reduced strength, the present method employs an aqueous hydrophobic bleaching solution comprising hydrogen peroxide and a hydrophobic bleach activator or hydrophobic peracid in order to obtain sufficient bleaching without the conventionally-incurred strength reduction. Thus, the bleaching step, designed to destroy naturally occurring color bodies, can be followed by a durable press finish to provide a bleached, durable press fabric having better strength properties. In the method of claim 4, the durable press step is provided by treating the textile with an aqueous solution of formaldehyde, a crosslinking catalyst and an effective amount of a silicone elastomer forming material to further minimize strength reduction in the fabric product.

In contrast to the presently claimed methods and products thereof which employ a non-finished textile component for bleaching, Willey et al relate to bleaching and/or laundering of finished textile components rather than non-finished textile components. For example, Willey et al disclose detergent compositions for surface cleaning of fabrics to remove stains and/or soils from the fabrics and bleaching systems for removing most types of soils from fabrics, including protein and lipid soils, dingy soils and heavy soil loads, especially from nucleophilic and body soils (page 7, lines 17-22). Applicants find no teaching or suggestion by Willey et al relating to any method or product employing a non-finished textile component.

The Examiner has asserted that one of ordinary skill in the art would not make a distinction between stain removal from finished or non-finished textiles. Applicants respectfully disagree. As discussed in the background portion of the present application, a common pretreatment step for natural fibers and textiles thereof is a bleaching step to destroy naturally occurring color bodies in the fibers and textiles. One of ordinary skill will appreciate that this bleaching treatment is not directed to a soil or stain which has been deposited on a consumer fabric, to which laundry detergents as disclosed in the cited references are directed, and which are often provided with some form of soil or stain repelling treatment during finishing, but, rather, to color bodies which are inherent to the fibers or textiles and which in the past have required severe bleaching conditions to provide acceptable whiteness or a uniform color base for subsequent dyeing, often resulting in textile damage.

Moreover, the Willey et al reference relates to bleaching and/or laundering of finished textile components, namely garments, and Applicants find no teaching or suggestion in this reference relating to any method, product or substrate employing a non-finished textile component. Thus, not only would one of ordinary skill in the art make a distinction between

stain removal from finished or non-finished textiles, Willey et al do not teach a treatment method for non-finished textiles.

Finally, the Examiner asserted that the bleaching compositions of Willey et al would inherently be as effective on non-finished textiles as on finished textiles. Applicants submit that this conclusion is irrelevant to the issue of patentability since, as noted above, the reference fails to teach or suggest any method, product or substrate employing a non-finished textile component.

The deficiencies of Willey et al are not resolved by Payet or Wright. That is, Payet discloses a durable press/wrinkle-free process which comprises treating a cellulosic fiber-containing fabric with formaldehyde, a catalyst capable of catalyzing the crosslinking reaction between the formaldehyde and cellulose, and silicone elastomer, and heat-curing the treated cellulose-containing fabric. However, Applicants find no teaching or suggestion by Payet relating to a method for treatment of a non-finished textile component comprising, inter alia, saturating a non-finished textile component with an aqueous hydrophobic bleaching solution comprising hydrogen peroxide and a hydrophobic bleach activator or hydrophobic peracid. Similarly, Applicants find no teaching or suggestion by Payet that such a method will provide necessary bleaching without the significant strength reduction encountered in prior art bleaching methods. Finally, Applicants find no teaching or suggestion by Payet for combining the durable press process of Payet with a bleaching step employing an aqueous hydrophobic bleaching solution and a hydrophobic bleach activator or hydrophobic peracid as presently claimed.

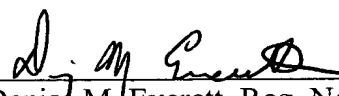
Wright discloses cellulosic textiles dyed with a direct dye and characterized by a wrinkle-resistant finish comprising a cured composition which in the uncured state contained N,N'-dimethylol-4,5-dihydroxyethylene urea and a methylated melamine formaldehyde condensate. The composition is cured with an acid catalyst and heat. However, Applicants

find no teaching or suggestion by Wright relating to methods for treatment of a non-finished textile component. To the contrary, the processes of Wright are directed to treatment of dyed fabric (column 3, lines 12-15).

In order to render a claimed invention obvious, the prior art must enable one skilled in the art to make and use the claimed invention, *Motorola, Inc. v. Interdigital Tech. Corp.*, 43 U.S.P.Q.2d 1481, 1489 (Fed. Cir. 1997). In view of the failure of Willey et al, Payet and Wright to teach a method for treatment of a non-finished textile component including, inter alia, saturating a non-finished textile component with an aqueous hydrophobic bleaching solution comprising hydrogen peroxide and a hydrophobic bleach activator or hydrophobic peracid, particularly in combination with the remaining steps of claim 1, neither Willey et al and Payet in combination nor Willey et al and Wright in combination enable one skilled in the art to make and use the claimed invention. Thus, the cited combinations of references do not render the present invention obvious. It is therefore submitted that the methods and products defined by claims 1-25 are nonobvious over and patentably distinguishable from Willey et al in view of Payet, and from Willey et al in view of Wright, whereby the rejections under 35 U.S.C. §103 have been overcome. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to the rejections under 35 U.S.C. § 103 and places the present application in condition for allowance. Reconsideration and an early allowance are respectfully requested.

Respectfully submitted,


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